

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND ONE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 3398 of 2001

Between:

Sri Sairagapu Durga rao S/o Musalinaidu
Marripaddu, Sarbujuli Mandal, Srikakulam District.

... PETITIONER

AND

1 The Govt of Andhra Pradesh., Rep by its Director.School Eduction.,

Secretariat, Hyderabad,

2 The District Eduction Officer,
Srikakulam District.

3 The Chairman, School Education Z.P.H.S.,
Kottakota, Srikakulam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction or a writ more particularly one in the nature of a writ of mandamus directing the respondents herein to keep one post of teacher post vacant to petitioner to enable him to have appointment in the said vacancy and guarantee of permanent service to him as teacher, since the termination of service on every academic year is violative to Art 14, 19, 21 of the Constitution of India and also violative to principles of natural justice.

Counsel for the Petitioner: MR.Y.VISWESWARA RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following order:

ORDER:

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Petitioner seeks a Writ a Mandamus directing the respondents to keep one post of teacher vacant so as to enable him to have regular appointment in the said vacancy without resorting to terminating his services for every academic year.

As per the scheme, the appointments are made to work as Vidya Volunteers in Zilla Parishad High Schools and accordingly the petitioner was appointed as Vidya Volunteer in the Zilla Parishad High School, Kothakota in the year 1998 – 99. His services were terminated after the end of the academic year on 22.04.2000. It is stated that there are no rules regulating appointment continuously year after year and therefore, the respondents have been adopting the procedure of terminating the services of Vidya Volunteers at the end of every academic year and absorbing their services for the subsequent academic year as per the orders of the Government in G.O.Ms.No.17 Education dated 08.01.1999.

Petitioner has not questioned the validity and legality of the said G.O. to continue his services and in the absence of any rules it is the case of the respondents that the petitioner is not entitled for continuance without terminating his services at the end of the academic year. It is further stated that the petitioner has not come up for selections conducted by S.E.C during 2000-2001 as he crossed 35 years of age, the age limit prescribed by the Government and therefore, petitioner has not continued as teacher for the year 2000 –2001. In view of the aforesaid reasons, the petitioner is not entitled for any relief.

Accordingly, the writ petition is dismissed. No costs.

V. ESWARAIAH, J

November 11, 2004

Dsk

To

- 1 The Govt of Andhra Pradesh., Rep by its Director.School Eduction.,
Secretariat, Hyderabad,
- 2 The District Eduction Officer, Srikakulam District.
- 3 The Chairman, School Education Z.P.H.S., Kottakota, Srikakulam District.

4 Two CCs to GP For School Education, High Court Buildings, Hyderabad
(OUT)

5 Two CD Copies.